

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SWD – Establishment - Gazetted – Misconduct of Sri Y.Viswamohan Reddy, formerly DD(SW) SPSR Nellore district and presently working as DD(SW) O/o the Commissioner of Social Welfare, A.P., – Departmental Proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Articles of charges – Issued

SOCIAL WELFARE (SER.A1) DEPARTMENT

G.O.RT.No. 83

Dated: 04.03.2015

Read

ORDER:

It is proposed to hold an enquiry against Sri Y.Viswamohan Reddy, formerly DD(SW) SPSR Nellore district and presently working as DD(SW) O/o the Commissioner of Social Welfare, A.P., in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held are set out in the enclosed Statement of Articles of Charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each Article of Charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure - III and IV).

3 Sri Y.Viswamohan Reddy, formerly DD(SW) SPSR Nellore district and presently working as DD(SW) O/o the Commissioner of Social Welfare, A.P., is directed to submit his written statement of defence, within 10 days from the date of receipt of this order.

4. Sri Y.Viswamohan Reddy, formerly DD(SW) SPSR Nellore district and presently working as DD(SW), O/o the Commissioner of Social Welfare, A.P., is informed that an inquiry will be held only in respect of those Articles of Charges that are not admitted. He should, therefore, specifically admit or deny each Article of Charge.

5. Sri Y.Viswamohan Reddy, formerly DD(SW) SPSR Nellore district and presently working as DD(SW), O/o the Commissioner of Social Welfare, A.P., is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 or the order/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him exparte.

6. The attention of Sri Y.Viswamohan Reddy, formerly DD(SW) SPSR Nellore district and presently working as DD(SW), O/o the Commissioner of Social Welfare, A.P., is invited to Rule 24 of the A.P. Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt in these proceedings, it will be presumed that Sri Y.Viswamohan Reddy is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P. Civil Services (Conduct) Rules, 1964.

7. The receipt of the order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Y.Viswamohan Reddy, formerly DD(SW) SPSR Nellore district and presently working as DD(SW) O/o the Commissioner of Social Welfare, A.P.,
(Through the Commissioner of Social Welfare, AP.,)

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Copy to:

The Commissioner of Social Welfare, AP, Hyderabad.

(with a request to serve the articles of charges **along with the required documents** on the Charged Officer and return the served copy to Government for record).

SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI Y.VISWAMOHAN REDDY, FORMERLY DD (SW), SPSR NELLORE DISTRICT AND PRESENTLY WORKING AS DD (SW) O/O THE COMMISSIONER OF SOCIAL WELFARE, A.P.,

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Article of Charge No. I

That Sri Y. Viswamohan Reddy, while working as Deputy Director (SW), SPSR Nellore District has received Hon'ble High Court orders in WP No.31608/2013 filed by Dr.B.R.Ambedkar Mission, Nellore on 22-11-2013, but he failed to circulate the file to the District Collector immediately. He has not obeyed the Hon'ble High Court orders and further he endorsed on the Hon'ble High Court order to the section concerned, to issue Notice-3 to the Associations for vacation of rooms of Dr. B.R. Ambedkar Bhavan, Nellore, which is contrary to the orders of the Hon'ble High Court. Thus, he violated the Rule 3(1) (2) of APCS (Conduct) Rules, 1964.

(Basis: Report from the District Collector, SPSR Nellore District vide D.O.Lr.No. CC.Spl.10/2014, dt.21-01-2014).

Article of Charge No. II

That Sri Y. Viswamohan Reddy, while working as Deputy Director (SW), SPSR Nellore District has received the Hon'ble High Court orders, dated 05-11-2013, in WP No.31608/2013, on 22-11-2013 and he also received the Government Memo No.13723/SCP.II.2/2013, dated 11-12-2013 (enclosing the Hon'ble High Court Orders) on 20-12-2013. He received a letter from the Govt. Pleader, AP High Court on 28-12-2013, wherein he was informed that the CC No.2134/2013 will come up for admission, on 24-01-2014, for personal appearance. But, he failed to bring to the notice of the District Collector, till 21-01-2014, about the order of the Hon'ble High Court, dated 05-11-2013, and about the hearing of the Contempt Case on 18-12-2013. Though he received information regarding the contempt of Hon'ble High Court proceedings, he did not care to bring same to the notice of the District Collector, SPSR Nellore District. He shown recklessness in implementing the Hon'ble High Court orders. The District Collector was kept unaware of the things which happened in this case and which were done without the knowledge and approval of the District Collector. Thus, he violated the Rule 3(1) (2) of APCS (Conduct) Rules, 1964.

(Basis: 1) Report from the District Collector, SPSR Nellore District vide D.O.Lr.No. CC.Spl.10/2014, dt.21-01-2014.

2) Lr.No.CC.2134/13/KR/SW/HC, dt.19-12-2013 from the Govt. Pleader, AP High Court.

3) Government Memo No.13723/SCP.II.2/2013, dated 11-12-2013).

Article of Charge No. III

That Sri Y. Viswamohan Reddy, while working as Deputy Director (SW), SPSR Nellore District has issued orders in the name of the District Collector, without taking prior orders from the District Collector and without bringing the matter to the notice of the District Collector. He, being the responsible officer, has exhibited insubordination and gross negligence of his duties in carrying out the orders of the Hon'ble High Court, thereby causing undue embarrassment to the Government. This is an act of unbecoming of a responsible district level officer.

(Basis: Report from the District Collector, SPSR Nellore District vide D.O.Lr.No. CC.Spl.10/2014, dt.21-01-2014).

Article of Charge No. IV

That Sri Y. Viswamohan Reddy, while working as Deputy Director (SW), SPSR Nellore District has sanctioned RTF bills amounting to Rs.1.21 Crore only as against the verified demand of Rs.10.44 crore and his status of bills uploaded to treasury is zero. Similarly, under MTF he has merely sanctioned Rs.1.78 crore as against the verified demand of Rs.13.73 crore. His performance is poor, in implementation of the scheme of Post Matric Scholarships.

(Basis: Lr.Rc.No.A1/6608/2011, dt. 07-02-2014 from the Commissioner of Social Welfare).

Article of Charge No. V

That Sri Y. Viswamohan Reddy, while working as Deputy Director (SW), SPSR Nellore District has ensured that only 41 hostels have passed their diet bills through on-line for the month of Jan, 2014 as against the total number of 150 hostels. This shows that he has totally failed to monitor and improve the expenditure as against the hostel budget despite repeated tele-conferences by the Commissioner of Social Welfare, AP, Hyderabad.

(Basis: Lr.Rc.No.A1/6608/2011, dt. 07-02-2014 from the Commissioner of Social Welfare).

Article of Charge No. VI

That Sri Y. Viswamohan Reddy, while working as Deputy Director (SW), SPSR Nellore District had requested to change the location for construction of Hostel from Subedarpeta to Chennur, without any orders of the District Collector, though the APEWIDC had finalized the tender and allotted the work as per the site identified by the District Collector at Subedarpeta. This shows that the officer is habituated to disregard the orders of the Government and is arbitrary in handling sensitive issues.

(Basis: 1) Report from the District Collector, SPSR Nellore District vide D.O.Lr.No. CC.Spl.10/2014, dt.21-01-2014.

2) Lr.Rc.No.A1/6608/2011, dt. 07-02-2014 from the Commissioner of Social Welfare.)

Thus Sri Y. Viswamohan Reddy, while working as Deputy Director (SW), SPSR Nellore District, by his above mentioned acts has exhibited lack of integrity, devotion to duty, and his conduct is un-becoming of a Government Servant and thereby violated Rules 3(1) (2) of APCS (Conduct) Rules, 1964.

**Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT**

// FORWARDED:: BY ORDER //

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ANNEXURE –II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI Y.VISWAMOHAN REDDY, FORMERLY DD (SW) SPSR NELLORE DISTRICT AND PRESENTLY WORKING AS DD (SW) O/O THE COMMISSIONER OF SOCIAL WELFARE, A.P.,

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Sri Y. Viswamohan Reddy, D.D.(SW) is working in Nellore Dist, since (3) years. In the year 1992, the then District Collector, Nellore District issued orders permitting the Chairman of Ambedkar Mission, Nellore for locating the office of Dr. B. R. Ambedkar Mission in one of the rooms which was in the Southern Side of the Dr. B. R. Bhavan. Dr. B.R.Ambedkar Mission and others have filed WP No.31608/2013, against the notice given by the DD (SW) for vacating the room. The Hon'ble High Court have issued orders dated. 05-11-2013 that "the petitioners shall not be evicted from the room in their occupation", till a decision taken by the Commissioner of Social Welfare. Though he received Hon'ble High Court orders in WP No.31608/2013, on 22-11-2013, he failed to circulate the file to the Collector immediately. He has not obeyed the above Hon'ble High Court orders and further he endorsed on the Hon'ble High Court order to the section concerned, to issue notice-3 to the Associations for vacation of rooms of Dr. B.R. Ambedkar Bhavan, Nellore, which is contrary to the orders of the Hon'ble High Court.

2. He has not brought to the notice of the District Collector, till 21-01-2014, about the order of the Hon'ble High Court dated. 05-11-2013, though received on 22-11-2013, the Government Memo dated. 11-12-2013, (received on 20-12-2013) and the letter of Govt. Pleader dated. 19-12-2013, though received on 28-12-2013, about the hearing of the Contempt Case on 18-12-2013. Though he received information regarding the contempt of Hon'ble High Court proceedings, he did not care to bring same to the notice of the District Collector, SPSR Nellore District. He shown recklessness in implementing the Hon'ble High Court orders. The District Collector was kept unaware of the things which happened in this case and which are done without the knowledge and approval of the District Collector.

3. Though he received Government Memo, on 20-12-2013, he failed to circulate the file to the Collector immediately. He, being the responsible officer, without taking prior orders from the District Collector and without bringing to the notice of the District Collector, issued orders in the name of the District Collector.

4. He has exhibited insubordination and gross negligence of his duties in carrying out the orders of the Hon'ble High Court, thereby causing undue embarrassment to the Government. This is an act of unbecoming of a responsible district level officer.

5. His performance is poor in implementation of the scheme of Post Matric Scholarships. He has sanctioned RTF bills amounting to Rs.1.21 Crore only as against the verified demand of Rs.10.44 crore and his status of bills uploaded to treasury is zero. Similarly under MTF he has merely sanctioned Rs.1.78 crore as against the verified demand of Rs.13.73 crore.

6. With regard to E-hostels, he has ensured that only 41 hostels have passed their diet bills through on-line for the month of Jan, 2014 as against the total number of 150 hostels. This shows that he has totally failed to monitor and improve the expenditure as against the hostel budget despite repeated tele-conferences by the Commissioner of Social Welfare, AP, Hyderabad.

7. In another case, the Government of AP has sanctioned for the construction of Hostel in Subedarpeta. The APEWIDC had finalized the tender and allotted the work as per the site identified by the District Collector. However, Deputy Director (SW) inspite of knowing the facts, had requested to change the location to Chennur without any orders of the District Collector. This shows that the officer is habituated to disregard the orders of the Government and is arbitrary in handling sensitive issues.

8. In view of his behavior unbecoming of an officer through the acts of insubordination and dishonouring of the Hon'ble HC orders, warrants for initiating a disciplinary action against the individual and in the interest of the student community for whom the sanction of scholarships has been delayed and also for delaying the starting of the construction of hostel deliberately, which was sanctioned under the SCSP as per the provisions of the Andhra Pradesh Scheduled Castes Sub-Plan & Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2012.

Thus Sri Y. Viswamohan Reddy while working as Deputy Director (SW), SPSR Nellore District, by his above mentioned acts has exhibited lack of integrity, devotion to duty, and his conduct is unbecoming of a Government Servant and thereby violated Rules 3(1) (2) of APCS (Conduct) Rules, 1964.

Thus, the Government Servant rendered himself liable for Regular Departmental action for major penalty.

Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI Y.VISWAMOHAN REDDY, FORMERLY DD (SW) SPSR NELLORE DISTRICT AND PRESENTLY WORKING AS DD (SW) O/O THE COMMISSIONER OF SOCIAL WELFARE, A.P., ARE PROPOSED TO BE SUSTAINED.

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1. Report from the District Collector, SPSR Nellore District vide D.O.Lr.No. CC.Spl.10/2014, dt.21-01-2014.
2. Lr.No.CC.2134/13/KR/SW/HC, dt.19-12-2013 from the Govt. Pleader, AP High Court.
3. Government Memo No.13723/SCP.II.2/2013, dated 11-12-2013.
4. Lr.Rc.No.A1/6608/2011, dt. 07-02-2014 from the Commissioner of Social Welfare.

**Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT**

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ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI Y.VISWAMOHAN REDDY, FORMERLY DD (SW) SPSR NELLORE DISTRICT AND PRESENTLY WORKING AS DD (SW) O/O THE COMMISSIONER OF SOCIAL WELFARE, A.P., ARE PROPOSED TO BE SUSTAINED.

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-NIL-

**Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT**

// FORWARDED:: BY ORDER //

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